

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

EMERSON ELECTRIC CO.,)	No. ED95942
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
v.)	Case No. 22054-00569
)	
MARSH & McLENNAN COMPANIES,)	Honorable Robert H. Dierker, Jr.
et al.,)	
)	
Respondents.)	Filed: September 6, 2011

Appellant Emerson Electric Co. (Emerson) appeals the trial court's judgment granting Respondent Marsh & McLennan Companies' (Marsh) motion for judgment on the pleadings.

AFFIRMED IN PART; REVERSED AND REMANDED IN PART; CASE ORDERED TRANSFERRED TO THE MISSOURI SUPREME COURT PURSUIT TO RULE 83.02.

Division Five Holds: The trial court erred in finding Emerson's petition for breach of Marsh's fiduciary duty of skill, care, and diligence would not be able to prevail, thus we reverse on Emerson's second point. We decline to declare a duty of loyalty for insurance brokers, thus we affirm on Emerson's first and third points. Because this issue is a matter of general interest and a question of importance for our state's policy in the area of insurance sales, we transfer to the Missouri Supreme Court pursuant to Rule 83.02.

Opinion by: Gary M. Gaertner, Jr., P.J.,
Mary K. Hoff, J., and Patricia L. Cohen, J. concur.

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<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
